

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Crim No. 05-cr-170-01-SM

Linda Tremblay

ORDER

The defendant moves to reduce her sentence based upon a pending amendment to the Federal Sentencing Guidelines regarding crack cocaine offenses (document no. 46). For the following reasons, the defendant's motion is stayed until after the proposed effective date of the pending guideline amendment.

On June 30, 2011, the United States Sentencing Commission determined to give retroactive effect to the permanent guideline amendment regarding crack cocaine offenses (Parts A and C of Amendment 750). This amendment implemented the emergency directives in section 8 of the Fair Sentencing Act of 2010. Absent congressional action to the contrary, retroactivity of the guideline amendment becomes effective November 1, 2011, at which time sentence reductions based on the retroactive application of the crack cocaine amendment will be authorized. It is yet to be determined, however, whether Congress will take action on the proposed guideline amendment.

Thus, because the defendant is seeking a sentence reduction based upon a guideline amendment that may or may not take effect on November 1, 2011, her motion for a sentence reduction shall be stayed at this time. Should the guideline amendment take effect on November

1, 2011, the court will consider the merits of the defendant's motion after that date and will order the government to respond if necessary.

So ordered.

September 13, 2011

/s/ Daniel J. Lynch
Daniel J. Lynch
U.S. Magistrate Judge

cc: Linda Tremblay, pro se
Counsel of Record